

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

CARDINAL HEALTH 106, INC., f/k/a
JAMES W. DALY, INC., d/b/a
CARDINAL HEALTH,

Plaintiff,

v.

ALDAMEL, INC., d/b/a CRESCENT
PHARMACY, AMERISOURCE BERGER
DRUG CORP., f/k/a AMERISOURCE
CORPORATION, JAMES BRUDNICK
COMPANY, INC., COMMONWEALTH OF
MASSACHUSETTS DEPARTMENT OF
REVENUE, and INTERNAL REVENUE
SERVICE,

Defendants.

Civil No. 04-10358-RWZ

PARTIES' JOINT STATEMENT PURSUANT
TO MASSACHUSETTS LOCAL RULE 16.1(D)

Pursuant to the Court's Notice of Case Management Conference, the parties, by and through the undersigned counsel, submit the following joint statement:

1. At issue in this proceeding is the relative priority to a \$20,000.00 insurance claim check being held, on information and belief, by Mr. Michael Hickey, counsel for defendant Aldamel, Inc., d/b/a Crescent Pharmacy. The United States asserts that it claims an interest in the funds at issue by virtue of federal tax liens, notices of which were filed against Aldamel, Inc., d/b/a Crescent Pharmacy, Inc. on June 30, 1995, and February 28, 1996. The current unpaid balance, as of March 15, 2004, is \$14,046.78. Plaintiff Cardinal Health asserts that it claims an interest in the funds as a judgment creditor, having obtained a lien on the funds effective October 11, 1996, when it brought a reach and apply action and enjoined the distribution of the funds. It is

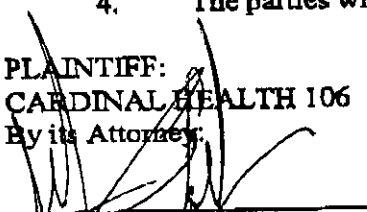
believed that Defendant Amerisource Bergen Drug Corporation, f/k/a Amerisource Corporation, claims an interest in the funds by virtue of monies owed to it by Aldamel, Inc., d/b/a Crescent Pharmacy, pursuant to invoices and billing statements submitted to Aldamel, Inc.

2. The parties request two months for discovery to investigate the relative priority to the funds and determine who should be paid the monies currently held in escrow. Thus, the discovery deadline would be June 21, 2004.


3. The parties propose that the Court set a dispositive motion deadline for two months following the end of discovery, or August 18, 2004.

4. The parties will file separate certifications as required by Local Rule 16.1(d)(3).


PLAINTIFF:
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*Attorney Maffucci did not
respond to draft joint statement*